

**UNITED STATE BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:)	
)	
)	Chapter 7
Demeko Beck)	
)	10-54131
Debtor)	
)	
)	Judge Schermer
)	

DEBTOR'S MOTION TO LIFT 180 DAY BAR AGAINST REFILING

COMES NOW, Douglas M. Heagler, attorney for Demeko Beck, and states:

1. The Debtors' filed for relief under Chapter 13 of the United states Bankruptcy Code on June 28, 2010, case number 10-47138. In that case Debtor asked for his filing fee to be paid through his plan.
2. Immediately after filing Debtor was advised of a proposed mortgage modification and intended to convert his case to a chapter 7 or file a chapter 7 down the road, so Debtor allowed his case to be dismissed.
3. Debtor's first case was dismissed on August 30, 2010 for her failure to timely commence plan payments.
4. At the time Debtors case was dismissed no plan payment had been disbursed to the court clerk for the filing fee, so that the Debtor had not fully paid his filing. Additionally, the Debtor failed to make full payment of \$274.00 to the court within 5 days of the dismissal of his case.
5. The court has now received full payment of the filing fee in Debtor's previous case, 10-47138.
6. This second filing is necessary to allow the debtor to prevent a foreclosure on his residence, stop a garnishment on his paycheck and allow him an opportunity to resume regular mortgage payments. It is inequitable that Debtor be barred from filing the present chapter 13

case and lose his residence for debtor delay of more than 5 days in paying her filing fee.

7. Debtor intends to file a wage order and an application for installment payments in the present case, but if required by the court Debtor may be able to get the filing fee in the present case from his grandmother or assistance by counsel.

WHEREFORE, Debtors pray that the Court grant his motion and set aside the order of the 180 day bar against refilling, so that Debtor may proceed with the above filed case, and attempt to save his family's residence from foreclosure.

Respectfully Submitted,

/s/ Douglas M. Heagler
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